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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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CASCA, FRED A

ART UNIT	PAPER NUMBER
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2617

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06/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

09/975,287

Applicant(s)

NELSON ET AL.

Examiner

Fred A. Casca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,9,11-15,18-22,27-31,35-40,47-52 and 56-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9,11,14,15,18-22,27,30,31,35,39,40,47-52 and 56-66 is/are rejected.
- 7) ☒ Claim(s) 12,13,28,29,37 and 38 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***DETAILED ACTION***

***Claim Rejections - 35 USC § 112***

1. Applicant's arguments, filed April 02, 2007, with respect to rejection of claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52 and 56-66 under 35 USC § 112 first paragraph are persuasive. Therefore the previous rejection of claims 1-5, 9, 11-15, 18-22, 27-31, 35-40, 47-52 and 56-66 under 35 USC § 112 first paragraph, is withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9, 11, 14-15, 18-22, 27, 30-31, 35-36, 39-40, 47-52 and 56-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al (US Patent Application Publication Number 2002/0002643 A1) in view of Bjorkengren (US Patent Number 6,295,441) further in view of Kan (US 5297247).

Regarding claim 1, Yamamoto et al. discloses a wireless terminal (fairly characterized as "wireless mobile phone"; paragraphs 0025, 0219; Figures 10-11 and 26) comprising:

a body casing having a plurality of surfaces (see Figures 10-11 and 26);

an input keypad (84, 86, 88) disposed on a first surface of said body casing to facilitate

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entry of alphanumeric data (Figure 10-11 and 26); at least a first button (Morse code entry button 86 - paragraphs 0114, 0136, 0216, 0218);

and complementary logic (combination of elements in Figure 26; such as 330, 384, 338, 388, 386, 390, 392) in support of the at least first button to facilitate entry of alphanumeric data or phrases having one or more words (Figure 15; for example, "HELLO" - Figure 12), in encoded representations of a variable length encoding scheme (Morse code- paragraphs 0017, 0095-0097, 0103, 0129 and many other paragraphs: see entire specification for details) using said at least first button (Morse code entry button 86 - paragraphs 0114, 0136, 0216, 0218), the variable length encoding scheme having a plurality of codes of various code lengths with one or more of the plurality of codes having the shortest lengths reserved for the user programmable phrases (Morse code by definition is of variable length, and the vowels have shorter length than other letters/phrase; see for example code length of vowels "A" and "E" in contrast with letters/phrase "B", "C", "D", "F",... in Figure 15).

However, Yamamoto et al. fails to specify that the first button is disposed or located on a second surface of said body casing. Nevertheless, such limitation is conventional in the art and Bjorkengren is just evidence of the fact.

Bjorkengren discloses a wireless mobile phone where a first input button (5 - Figure 1) is disposed or located on a second surface (side) of said body casing (housing 1). The first surface (front) contains an input keypad (7). The advantage of the first input button (5) disposed or located on the side/second surface of the body casing/housing (1) is easier operation, non time-consuming, of the even small electronic apparatus, such as mobile phone as suggested by the same Bjorkengren (column 2, lines 43-53).

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Therefore, it would have been obvious at the time the invention was made to modify Yamamoto et al.'s Morse code entry button 86 (first button) location to the side of the body casing/housing as suggested by Bjorkengren for the advantage of easier operation, non time-consuming, of the even small electronic apparatus/mobile phone.

The combinations of Yamamoto/Bjorkengren do not disclose programmable phrases. Kan discloses programmable phrases (col. 4, lines 11-59).

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Yamamoto/Bjorkengren by incorporating the teachings of Kan for purpose of providing an efficient coding scheme.

Regarding claim 2, Yamamoto et al. and Bjorkengren disclose everything as applied above (see claim 1). In addition, Yamamoto et al. teaches wherein said mobile phone further comprises a display (190, 90), and said complementary logic further echoes on said display alphanumeric data or phrases represented by encoded representations representing said alphanumeric data and encoded representations directly representing said phases entered using said at least first button (paragraphs 0018-0019; 0217).

Regarding claim 3, Yamamoto et al. and Bjorkengren disclose everything as applied above (see claim 1). In addition, Yamamoto et al. teaches wherein each of said at least first button is optically associated with a light source (190, 90), and said complementary logic further cause said light source associated with said at least first button to be energized to light said first (paragraphs 0018-0019; 0217).

Regarding claims 4-5, Yamamoto et al. and Bjorkengren disclose everything as applied

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above (see claim 1). In addition, Yamamoto et al. teaches wherein said mobile phone further comprises a transceiver to send and receive signals (paragraphs 0025, 0219), and an adapter interface to removably attach a device ("interface for connection" - paragraphs 0004, 0006, 0008, 0083-0084, 0086, 0090-0091).

However, the combination fails to disclose that it is capable of vibrating to said mobile phone, and to vibrationally output alphanumeric data or phrases received through said transceiver, for touch comprehension, using said removably attached capable of vibrating device.

Nevertheless, as explained above, Yamamoto et al. teaches to optically output the alphanumeric data or phrases received through the transceiver for visual comprehension (paragraphs 0018-0019; 0217). It is conventional in the art to implement tactile/vibrational alerts/messages for the visual impaired in substitution of optical/visual alerts/messages. The Examiner takes Official notice of this notion. Several conventional advantages are known, such as aiding the visual impaired, and more private communications, since people around is not disturbed from the tactile/vibrational alerts/messages, etc.

Therefore, it would have been obvious at the time the invention was made to modify the combination's optical/visual alerts/messages for tactile/vibrational alerts/messages as claimed for the advantage of aiding the visual impaired, for more private communication, since people around is not disturbed from the tactile/vibrational alerts/messages, etc.

Since the alphanumeric data or phrases are optically/visually outputted through optical/visual manifestation of encoded representations of the encoding scheme (paragraphs 0018-0019; 0217 of Yamamoto et al.). Following above modification one will obtain wherein

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said alphanumeric data or phrases are vibrationally outputted through vibrational manifestation of encoded representations of the encoding scheme.

Regarding claim 9, Yamamoto et al. and Bjorkengren disclose everything as applied above (see claim 1). In addition, Yamamoto et al. teaches wherein said complementary logic further support user specification of said phrases of one or more words in length (paragraphs 0017, 0096, 0103, 0129).

Regarding claim 11, Yamamoto et al. and Bjorkengren disclose everything as applied above (see claim 1). In addition, Yamamoto et al. teaches several standards for Morse code, any of which comprise a code representing a punctuation selected from a group of punctuations consisting of a colon, a semi-colon, a left parenthesis, a right parenthesis, and an exclamation (paragraphs 0096, 0103, 0129-0130; Figure 15). By definition Morse code includes the claimed limitations.

Regarding claim 14, Yamamoto and Bjorkengren disclose everything as applied above (see claim 1). In addition, Yamamoto et al. teaches wherein said complementary logic further maps each of said entered variable length encode representations to a corresponding code of a fixed length binary representation scheme for representing alphanumeric data (letters - Figure 15; paragraph 0130, inter alia).

Regarding claim 15, Yamamoto et al. and Bjorkengren disclose everything as applied above (see claim 1). In addition, Bjorkengren teaches that 5 can include an additional second button for use in conjunction with the first button to enter direct encoded representations for phrases of one or more words (Figures 1-2 of Bjorkengren).

Regarding claim 18-20, Yamamoto et al. and Bjorkengren disclose everything as applied

above (see claim 1). In addition, said first and second surfaces are different surfaces of the body casing (see e.g. Figures 1-2 of Bj6rkengren). The first surface is a front surface of the body casing, and the second surface is a second surface of the body casing (see e.g. Figures 1-2 of Bj6rkengren). The first and second surfaces can be the same surface of the body casing (see Figures 10-11 of Yamamoto et al.).

4. Claims 21-22, -27, 40, 47-52 and 56-66 are rejected for the same reasons claims 1-5, 9, 11-15, 18-20 are rejected. See detailed explanation above.

#### *Response to Arguments*

5. Applicant's arguments filed on April 2, 2007 with respect to rejection of claims 1-5, 9, 11, 14-15, 18-22, 27, 30-31, 35-36, 39-40, 47-52 and 56-66 under 35 USC § 103 have been fully considered but they are not persuasive. In response to arguments that the combo of Yamamoto, Bjorkengren and Kan fails to teach or suggest a "variable length encoding scheme having a plurality of codes of various code lengths, with one or more of the plurality of codes having the shortest lengths reserved for the user programmable phrases", it is noted that the features upon which the applicant relies are not cited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *See in re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The phrase "variable length encoding scheme" is very broad can have multiple interpretations. Yamamoto's Morse code is clearly a variable length encoding scheme having a plurality of codes of various code lengths. Further, the phrase "with one or more of the plurality of codes having the shortest lengths reserved for the user programmable phrases" is also very broad and can have multiple



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interpretations. First, the codes involved in Morse code are short. Second, these codes are inherently reserved for user programmable phrases because they are used in order to form user programmable phrases. Further the word "reserved" is very broad and any implementation of the codes in obtaining a user programmable phrase satisfies it.

In response to arguments that "nothing in Kan indicates that the programmable phrases taught therein are definable by a user", the examiner asserts that Yamamoto teaches a programmable phrase is definable by a user. And Yamamoto inherently teaches programmable phrases as well (see figure 12 and paragraph 116). Yamamoto does not specifically disclose the specific phrase "programmable phrases", and Kan discloses the specific phrase "programmable phrases".

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

*Allowable Subject Matter*

6. Claims 12-13, 28-29 and 37-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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